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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,068	03/16/2001	Shigeru Hayakawa	000400-819	4710

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EXAMINER

HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/809,068

Applicant(s)

HAYAKAWA ET AL.

Examiner

Thomas Y Ho

Art Unit

3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 March 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-5 and 17-31.

Claim(s) withdrawn from consideration: _____.


8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments presented in the request for reconsideration are not persuasive. As requested by Applicant, a detailed explanation of the Examiner's position and a response to the arguments presented is provided. As to claim 1, Applicant recites that if it is the rotatable lever 33 itself which is said to correspond to the claimed inside lever, the rotatable lever 33 never rotates into engagement with the moving bar 26/switch lever 36 (the open link) as claimed, and on the other hand, if it is the combination of the rotatable lever 33 and the rod 29 which is said to correspond to the claimed inside lever, the combination of the rotatable lever 33 and the rod 29 never rotate out of engagement with the moving bar 26/switch lever 36 (the open link) as claimed. These arguments are directed against the rejection of claim 1 under Mitsui. In response, the rejection under Mitsui still stands. In Mitsui, the moving bar 26 alone can be interpreted as the open link, and the combination of elements 29/33 can be interpreted as the rotatably mounted inside lever. The rod 29 of the rotatably mounted inside lever is clearly shown as having a diameter smaller than the width of the slot 28 on the open link 26 (see Figure 1). At any point of travel between the two ends of the slot 28, the rod 29 is out of engagement with the open link 26 because the rod 29 does not forcibly contact the edges of slot 28 in open link 26. The only time the rod 29 is rotated into engagement with the slot 28, is when it abuts the right end of the slot 28 to drive the open link 26 to the unlock position. This same situation applies in claim 18, which also recites the rotatably mounted inside lever and further sets forth that the inside lever rotates into engagement with the open link and rotates out of engagement with the open link.

As to claim 18, Applicant argues that the inside lever rotates into engagement with the open link upon operation of the door handle and rotates out of engagement with the open link upon release of the door handle. In response, the key (not shown), inserted into the key cylinder of Mitsui, is by definition a door handle because it is a gripped element used for actuation and is mounted on a door. As a user rotates the key in the clockwise direction, the rod 29 engages the right end of the slot 28 in the open link 26 and drives the open link to the right (against the biasing of spring 12) to the unlock position, and then when the key/handle is released, the spring 12 returns the rod 29 back to neutral position. All words are given their broadest reasonable interpretation. The word "engagement" is defined as "the act of engaging" (Merriam-Webster Online; see the attached printed pages); the word "engage" is defined as "to interlock with" (Merriam-Webster Online); and the word "interlock" is defined as "to connect so that the motion or operation of any part is constrained by another" (Merriam-Webster Online) or "to fit together firmly" (Cambridge Dictionary Online). For the purposes of rejecting claim 18 with Mitsui, the phrase "into engagement" is interpreted as the act of fitting together firmly with. When the rod 29 moves to the unlock position, and the spring 12 is stretched against its biasing direction (creating a force), the rod 29 is fitted together firmly with the right end of the slot 28 in the open link 26. At any other time, a firm fit does not exist between the rod 29 and the slot 28 because there are no forces between the parts 26 and 29, and they are slidable relative to one another, and there are extents of travel in the slot 28 where the rod 29 does not contact any edges of the slot.

As to claim 21, Applicant argues that in Mitsui, the operation of the rotary gear member 48 does not move the swing lever 53 to shift the open link 26 between the unlocked and locked positions. In response to this argument, the lock and neutral positions of Mitsui's latch are interpreted together as a "locked" condition, because in these states the latch is still held by the pawl, and the striker is prevented from exiting the fork bolt (the lid is locked in place). The rotary gear member 48 drives the swing lever 53 in the counterclockwise direction. From the unlock position, the return spring 56 then drives the swing lever 53 clockwise to rotate the swing lever back to a locked position (neutral is part of the locked condition).


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